

REMARKS

Reconsideration of this application, as amended, is requested. Claims 1-36 and 43-49 remain in the application. Claims 37-42 have been withdrawn from consideration in the present application. Claims 1 and 44 have been amended to more particularly point out and distinctly claim the invention of the present application. Support for the amendments to claims 1 and 44 are provided on at least page 22, lines 2-12 of the present invention. It is respectfully submitted no new matter has been added by these claim amendments.

Claims 1-12 and 34-36 were rejected under 35 USC 103(a) as being unpatentable by Lord, U.S. Patent Application Publication 2003/0002849 (hereafter Lord) in view of Deshpande, U.S. Patent 7,464,172 (hereinafter Deshpande), and further in view of Holm, U.S. Patent Application Publication 2003/0070181 (hereinafter Holm), as set forth on pages 2-8 of the Office Action dated September 29, 2009. Claims 13-18, 29-30, 44-45 and 47-48 were rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande and Holm in view of Bruck et al., US Patent 7,143,428 (hereinafter Bruck). Claims 28 and 32 were rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande and Holm in view of Pantoja, US Patent Application Publication 2003/0115598 (hereinafter Pantoja). Claim 43 was rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande and Holm in view of Reed, US Patent Application Publication 2008/0270570 (hereinafter Reed). Claim 33 was rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande and Holm in view of Fasciano et al., US Patent 5,467,288 (hereinafter Fasciano). Claims 19-24 were rejected under 35 USC 103(a) as

being unpatentable over Lord, Deshpande, Holm and Bruck in view of Pantoja. Claims 31 and 49 were rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande, Holm, and Bruck in view of Zenith, US Patent 6,519,771 (hereinafter Zenith). Claim 46 was rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande, Holm and Bruck in view of Reed. Claims 25-27 were rejected under 35 USC 103(a) as being unpatentable over Lord, Deshpande, Holm, Bruck and Pantoja in view of Du Val et al., US Patent Application Publication 2002/0016820 (hereinafter Du Val).

In regards to claim 1, the Examiner asserted "...Lord teaches the invention as claimed comprising: at least two media storage mediums, each of said storage mediums at least containing a substantially identical copy of a particular media selection ([0007]) (memories of PVRs containing common program); at least two media players structured to selectively deliver said media selection to a user from a corresponding one of said storage mediums ([0007]) (PVRs delivers the media to users from the memories); each of said media players including a control assembly structured to selectively control and regulate delivery of said media selection to the user ([0019]); at least one of said media players being selectively designatable as a slave unit ([0031]); a master control assembly operatively associated with said media players ([0022]); a connectivity assembly structured to establish a communicative link at least between said slave unit and said master control assembly ([0020]; 18, fig. 2); said master control assembly structured to receive synchronization data of said media selection from each of said media players ([0031]) (PVR sent out status message after every command is received, wherein the status message is received by the PVR that sent out the command); and said master control assembly structured to simultaneously and uniformly control said delivery of said

media selection by said media players (PVR that sent out the command structured to send command (e.g., rewind, fast forward) to control the output of PVRs of synchronize program (i.e., simultaneously control and uniformly output) ([0031])).

The Examiner goes on to admit "Lord does not specifically teach to periodically poll each of said media players and to simultaneously and uniformly synchronize said delivery of said media selection by said media players based on said received synchronization data". The Examiner then asserted "Deshpande teaches periodically polling each of the media players to receive further synchronization data from each of the media players (col. 11, lines 3-9, 18-22, 44-45; col. 12, lines 4-5) and to simultaneously and uniformly synchronize delivery of the media selection by the media players based on said polled and received synchronization data (col. 12, lines 23-37)".

Lastly, the Examiner then asserted "Holm teaches portable storage medium ([0052] and [0053])".

Amended claim 1 is directed to an interactive, multi-user media delivery system including, inter alia, "a) at least two portable media storage mediums, each of said portable storage mediums at least containing a substantially identical copy of a particular media selection; b) at least two media players structured to selectively deliver said media selection to a user from a corresponding one of said portable storage mediums; c) each of said media players including a control assembly structured to selectively control and regulate delivery of said media selection to the user; d) at least one of said media players being selectively designatable as a slave unit; e) a master control assembly operatively associated with said media players; f) a connectivity assembly structured to establish a communicative link at least between said slave unit and said master control assembly; g)

said master control assembly structured to receive synchronization data of said media selection from each of said media players at commencement of delivery of said media selection, said synchronization data including a title and location designator associated with said media selection; and h) said master control assembly structured to periodically poll each of said media players to receive further synchronization data from each of said media players to identify what in said media selection is being delivered and to simultaneously and uniformly synchronize said delivery of said media selection by controlling each of said media players based on said polled and received synchronization data". The system of amended claim 1 enables simultaneous viewing and control of "a substantially identical copy of a particular media selection" from a *portable storage medium* to users to create a common media experience among the users. As stated in the instant application at page 2, lines 1-6, "due to convenience, file size and/or copyright issues, a still very popular form for the delivery of media to a user is through the use of portable storage mediums that can be easily transported, owned by an individual, shared, rented, and/or mass produced for distribution and/or sale to a large number of users". By utilizing portable storage mediums, the system of claim 1 can be utilized with the very large number of portable storage mediums, e.g., DVDs, CD, etc., already sold and/or distributed without having to reconfigured or modify the portable storage mediums (see instant application at page 2, line 13-21). Upon commencement of delivery of the media selection, a master control assembly receives synchronization data, including a title and location designation of the media selection, from each media player. Furthermore, the master control assembly of the system periodically polls and receives synchronization data of the media selection from each of the media players to identify what in the media

selection is being delivered and to simultaneously and uniformly synchronize the delivery of the media selection by controlling each of the media players based on the polled and received synchronization data so each user experiences the same media selection at the same time. In other words, the master control assembly polls each media player to determine what point in the media selection is currently being played by both media players, i.e., the synchronization data, and then the master control assembly uses that data to control each media player to ensure both media players are playing the same point of the media selection at the same time.

Lord is directed to a method, apparatus and system for synchronizing the video output of personal video recorders in two or more locations. A broadcast program is received and recorded on a personal video recorder on a first personal video recorder. A second personal video recorder having a common program residing in its memory is selected. A signal is then transmitted to or from the first personal video recorder to simultaneously initiate a start sequence in each of the first and second personal video recorders. The system of Lord only attempts to synchronize the video outputs after the program is recorded on the personal video recorders not while the program is being broadcasted and/or recorded.

Lord does not disclose "said master control assembly structured to receive synchronization data of said media selection from each of said media players at commencement of delivery of said media selection, said synchronization data including a title and location designator associated with said media selection; and said master control assembly structured to *periodically poll each of said media players to receive further synchronization data from each of said media players to identify what in said media*

selection is being delivered and to simultaneously and uniformly synchronize said delivery of said media selection by controlling each of said media players based on said polled and received synchronization data" (emphasis added) as recited in amended claim 1. In paragraphs [0031] and [0046] of Lord, Lord discloses that to synchronize the two PVRs the personal video recorder that initiated the viewing will send out a status message after every command received at the PVR or at a predetermined rate if no commands have occurred. In other words, the system of Lord sends out a "status message" to synchronize the PVRs in two situations. In the first situation, the initiating PVR send out a status message in response to the sending or receiving of a command that is inputted by one of the users. That is, the status message is sent in response to an external input of a user, e.g., a command, entered into the PVR and not in response to the initiating PVR polling all other devices to receive synchronization data. In the second situation, the initiating PVR sends out a status message "at a predetermined rate, e.g., once every minute, if no commands have occurred". In this situation, status messages are sent out in response to nothing, neither in response to a command from one of the PVR nor in response to data polled from each of the PVRs.

To provide polling of the synchronization data, the Examiner then asserted Deshpande. Deshpande is directed to a system and method for achieving simultaneous media playout in network including a server and a plurality of clients. Deshpande discloses supplying a media stream from a server to clients at a first bitrate (R1); determining the network delivery requirement; and, in response to the network delivery requirements, modifying the supply of the media stream. Determining the network delivery requirements includes determining either the buffering capacities of the clients, or the media streaming

disruptions. To determine the buffering capacities of the clients, a first minimum client buffering capacity (C1) is determined by polling the clients for their respective buffering capacities, and selecting the first minimum buffering capacity (C1) to be equal to the client with the smallest buffering capacity. In other words, Deshpande polls the clients for their buffering capacities and modifies the supply of the media stream, i.e., "temporarily pausing the supply of the media stream at the first bitrate (R1), or temporarily increasing the media stream bitrate" (see col. 11, lines 24-27 of Deshpande), based on the determined buffering capacities of the clients in an attempt to synchronize the playout.

It appears that the Examiner has equated the synchronization data of claim 1, i.e., data including a title and location designator associated with the media selection and data to identify what in the media selection is being delivered, to the polled buffering capacities of Deshpande. The polled buffering capacities of Deshpande are used to modify the streaming server to increase or decrease the rate at which the media is being sent to the clients. Deshpande does not poll the same synchronization data as defined in claim 1 and does not use the polled data in the same way, that is, the system of Deshpande does not use the polled buffering capacities to control the individual media players but uses the polled data to control the server. Therefore, it is respectfully submitted Deshpande does not teach or suggest "said master control assembly structured to periodically poll each of said media players to receive further synchronization data from each of said media players to identify what in said media selection is being delivered and to simultaneously and uniformly synchronize said delivery of said media selection by controlling each of said media players based on said polled and received synchronization data" as defined by amended claim 1.

Furthermore, it is respectfully submitted the hypothetical combination of Lord, Desphande and Holm do not reach the system of amended claim 1. Initially, Holm was only provided to show that the media storage mediums are portable. No where in Lord is it disclosed or suggested that either PVR polls any other PVR to ensure they are synchronized. The initiating PVR of Lord either sends a status message in response to a command or sends a blanket command without regard for the status of the other PVRs. Desphande only polls client computers to modify the rate of streaming media from a server. If Lord and Desphande were combined, the synchronizing method of Lord would not be affected. The teachings of Desphande would modify Lord to change how the broadcast 12 of a program is delivered to the PVRs 14 of Lord since Desphande only deals with streaming media, or broadcasting media, and not with controlling individual media players. The hypothetical combination of Lord and Desphande would result in a system where (1) a broadcasting server would poll PVR to determine their buffering capacities, (2) the broadcasting server would then stream or broadcast the media selection to the PVRs at a rate modified based on the buffering capacities, where the media selection would be recorded by the PVRs, and then (3) the media selection would be synchronize based on status messages during playout.

Therefore, it is submitted the hypothetical combination of Lord, Desphande and Holm does not teach or suggest the system of amended claim 1 wherein "said master control assembly structured to receive synchronization data of said media selection from each of said media players at commencement of delivery of said media selection, said synchronization data including a title and location designator associated with said media selection ; and h) said master control assembly structured to periodically poll each of

said media players to receive further synchronization data from each of said media players to identify what in said media selection is being delivered and to simultaneously and uniformly synchronize said delivery of said media selection by controlling each of said media players based on said polled and received synchronization data".

Furthermore, the other references cited by the Examiner do not cure the deficiencies of Lord and Deshpande. For example, Bruck (US Patent 7,143,428) is directed to a system for viewing a broadcast video signal such as a television program including text chat capability; Pantoja (US 2003/0115598) is directed to a system and method for interactively producing a web-based multimedia presentation with no teaching or suggestion of simultaneous delivery nor received synchronization data from media players; and Fasciano et al. (US Patent 5,467,288) is directed to a single digital audio workstation providing digital storage and display of video information. Similar to Lord and Bruck et al., Zenith discloses a system for displaying broadcast video, e.g., a broadcast television video (see FIG. 1 of Zenith). Du Val et al. is directed to a system and method for distributing in real-time interactive data extracted from a video signal to a plurality of client computers via a computer network, a plurality of data source computers extract the interactive data from the video signals, forward them to a distribution server which buffers the interactive data and broadcasts the interactive data to a Web server cluster and a program executing on each client computer periodically sends updated requests to the web server cluster to retrieve new interactive data for display to the user. The client computers of Du Val et al. poll the web server to get updates and not receive simultaneous deliver of a media selection from a master control assembly based on synchronization data

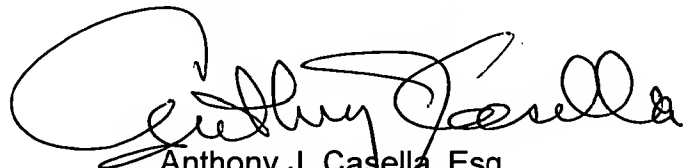
from each of media players, e.g., client computers. Lastly, Holm is directed to an interactive TV client device with integrated removable storage system.

Therefore, it is respectfully submitted amended claim 1 is patentably distinct and not rendered obvious by Lord, Deshpande, Holm, Bruck et al., Pantoja, Fasciano et al., Zenith and Du Val et al. alone or in any combination. Furthermore, it is respectfully submitted that dependent claims 2-36 and 43, depending directly or indirectly from amended claim 1, are patentable for at least the reasons stated above in regard to amended claim 1.

Amended claim 44, along with dependent claims 45-49, includes at least the limitations of amended claim 1 and is therefore patentable for the same reasons put forth for amended claim 1.

In view of the preceding amendment and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below if the Examiner believes a telephone or personal interview would facilitate the prosecution of this application.

Respectfully submitted,



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